

DETAILED ACTION

1. This office action has been examined. Claims 26-44 are pending.

Response to Arguments

2. Applicant's arguments with respect to claim 26-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 26,27, 35-38, 44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutillo et al. (US 2006/0228113 A1) in view of Daniels et al. (US 2003/0012227 A1).

Re claims 26, 35, 44, Cutillo et al. discloses a method of providing subscribers with communication services in accordance with their agreements with a service provider, the method comprises: determining a first plurality of subscribers to be connected to the service provider via a distribution unit located in an access network (See Fig 1 item 24 is the plurality of customers and the distribution unit is item 22); selecting an advanced broadband technology to be produced by the distribution unit to be a minimal default technology (DABT) (See Fig 1 the minimum default technology is ADSL) ; in the distribution unit, arranging a second plurality of substantially uniform communication devices for serving the first plurality of subscribers, so that said second plurality either comprises uniform communication devices using the DABT (See Fig 1 shows a second plurality of uniform communication device i.e. DABT are the ADSL modems), and providing for each of said subscribers, irrespective of its individual agreement reached with the service provider, an individual permanent communication link for supplying, from one of the communication devices, respective broadband communication services by using said DABT (See Fig 1 each of the customers are connect to the distribution unit 22 by ADSL (DABT)), and enabling each of the plurality of subscribers to receive services in accordance with their respective agreements with the service provide(Para 29 and 31 teaches of connecting multiple subscribers of the ONU 22 and providing video, telephone and internet data services.). Cutillo et al. does not explicitly disclose a method, wherein the distribution unit, arranging a second plurality of uniform communication devices for serving the first plurality of

Art Unit: 2467

subscribers, so that said second plurality comprises only uniform communication devices using DABT. However Daniels et al. discloses a method, a method, wherein the distribution unit, arranging a second plurality of uniform communication devices for serving the first plurality of subscribers, so that said second plurality comprises only uniform communication devices using DABT (See Fig 1 a uniform ADSL broadband technology is being used). It would have been obvious to one having ordinary skill in the art at the time the invention to use the system of using only uniform communication device of Daniels et al. with the method of having a distribution unit that could serve a default DSL and more advanced DSL line from the same box to different subscribers or Cutillo et al. in order to manage and control optical networks and specifically to manage and control of passive optical network operative providing digital subscriber line service.

Re claim 27, Cutillo et al. discloses a method, wherein said DABT is VDSL (Very high data rate Digital Subscriber Line) (See Fig 1 item 26).

Re claim 36, Cutillo et al, discloses a distribution unit, adapted to provide a more technologically advanced communication service to a limited number of the subscribers (See Fig 1 VDSL).

Re claim 37, Cutillo et al. discloses a distribution unit, wherein said broadband communication service is a technologically advanced type of communication service selected from a non-exhaustive list comprising: ADSL (Asymmetrical Digital Subscriber

Art Unit: 2467

Line), VDSL (Very high data rate DSL), SHDSL (Single line High bit-rate DSL) (Para 29 lines 1-7).

Re claim 38, Cutillo et al. discloses a distribution unit , comprising a plurality of communication devices capable of providing one and the same technologically advanced broadband communication service to all broadband and narrowband subscribers associated with the unit (See Fig 1 and Para 31 teach of having broadband technology to connect customers and the same technology is used in providing telephone services).

6. Claim 28-29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cutillo et al. (US 2006/0228113 A1) in view of Daniels et al. (US 2003/0012227 A1) as applied to claim 26 above, in further view of Czerwiec et al. (5,903,372).

Re claim 28, Cutillo et al. in view of Daniels et al. discloses the claimed invention as set forth in claim 26 above. Cutillo et al. in view of Daniels et al does not explicitly disclose a method, wherein at least one of the subscribers is entitled to narrowband services only. However Czerwiec et al. discloses a method, wherein at least one of the subscribers is entitled to narrowband services only (Col 3 lines 11-13). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the method of remote addition of video services to a telephony customer of Czerwiec et al. method of having a distribution unit that could serve a default DSL and more advanced DSL line from the same box to different subscribers or Cutillo et al. in view of Daniels et al. in order to manage and control optical networks and specifically to manage and control of passive optical network operative providing

digital subscriber line service.

Re claim 29, Cutillo et al. in view of Daniels et al discloses the claimed invention as set forth in claim 26 above. Cutillo et al. in view of Daniels et al does not explicitly disclose a method, further comprising preventing the use, by a particular subscriber, of communication services not included in the agreement between said particular subscriber and the service provider. However Czerwiec et al. a method, further comprising preventing the use, by a particular subscriber, of communication services not included in the agreement between said particular subscriber and the service provider (Col 4 lines 22-35 and Col 3 lines 11-13 Col 6 lines 7-12 teaches of adding video service to primary subscribers, that only subscribe to telephone services) It would have been obvious to one having ordinary skill in the art at the time of the invention to use the method of remote addition of video services to a telephony customer of Czerwiec et al. method of having a distribution unit that could serve a default DSL and more advanced DSL line from the same box to different subscribers or Cutillo et al. in view of Daniels et al in order to manage and control optical networks and specifically to manage and control of passive optical network operative providing digital subscriber line service.

7. Claims 30, 31, 33, 39, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutillo et al. (US 2006/0228113 A1) in view of DeLangis et al. (US 2005/0078690 A1) and Daniels et al. (US 2003/0012227 A1).

Re claim 30, Cutillo et al. discloses a method, of providing a narrowband subscriber with communication services from a distribution unit in a converged

Art Unit: 2467

broadband and narrowband communications access network, the method comprises establishing for said narrowband subscriber a communication link capable of carrying a technologically advanced broadband communication services as a minimum default technology selected as a uniform technology for the (See Fig 1 and Para 31 teach of providing multiple services one of which is narrowband service i.e. telephone service using the uniform ADSL modem). Cutillo et al. does not explicitly disclose a method, wherein preventing the use by said subscriber of all communication services not included in an agreement between said subscriber and a service provide, and distribution unit comprising only uniform communication devices for serving all subscribers. However DeLangis et al. disclose a method, wherein preventing the use by said subscriber of all communication services not included in an agreement between said subscriber and a service provide (Para 49 lines 1-8). DeLangis et al. does not explicitly disclose a method, wherein distribution unit comprising only uniform communication devices for serving all subscribers. However Daniels et al. discloses a method, wherein distribution unit comprising only uniform communication devices for serving all subscribers (See Fig 1 a uniform ADSL broadband technology is being used). It would have been obvious to one having ordinary skill in the art at the time of the invention to use system of using only uniform communication device of Daniels et al. with the method of preventing customers from accessing services that the users is not entitled to of DeLangis et al. with the method of having a distribution unit that could serve a default DSL and more advanced DSL line from the same box to different subscribers or Cutillo et al. in

Art Unit: 2467

order to manage and control optical networks and specifically to manage and control of passive optical network operative providing digital subscriber line service.

Re claim 31, note that DeLangis et al. disclose a method, wherein said communication link is being established between the narrowband subscriber and a communication device installed in a distribution unit and supporting said broadband communication services (Para 49 lines 1-8).

Re claim 33, note that DeLangis et al. discloses a method, wherein said preventing is performed by providing at least one of the subscribers with a Customer Premises Equipment (CPE) unit specifically configured to provide only services in accordance with the subscriber's agreement with the service provider (Para 49 lines 1-8).

Re claim 39, Cutillo et al. disclose a service filtering means operative to derive, from a technologically advanced broadband communication service reserved for a particular subscriber at a distribution unit in an access network (See Fig 1 Subscribers connect to VDSL modems) , wherein said service reserved for the particular subscriber is a minimal default technologically advanced broadband communication service (DABT) selected as a uniform technology for the distribution unit and wherein said service is available for delivering to the subscriber via an individual permanent communication link (See Fig 1 Users are connected using a default advanced broadband communication services i.e. VDSL through a permanent link). Cutillo et al. does not disclose a service filtering means operative to derive, only communication services agreed between said particular subscriber

Art Unit: 2467

and a service provider and wherein the distribution unit consists only of communication devices using said DBAT. However DeLangis et al. disclose a service filtering means operative to derive, only communication services agreed between said particular subscriber and a service provider (Para 49 lines 1-8).

DeLangis et al. does not disclose a service filtering means, wherein the distribution unit consists only of communication devices using said DBAT. However Daniels et al. disclose a service filtering means, wherein the distribution unit consists only of communication devices using said DBAT (See Fig 1 a uniform ADSL broadband technology is being used). It would have been obvious to one having ordinary skill in the art at the time of the invention to use system of using only uniform communication device of Daniels et al with the method of preventing customers from accessing services that the users is not entitled to of DeLangis et al. with the method of having a distribution unit that could serve a default DSL and more advanced DSL line from the same box to different subscribers or Cutillo et al. in order to manage and control optical networks and specifically to manage and control of passive optical network operative providing digital subscriber line service.

Re claim 40, note that DeLangis et al. discloses a service filtering means, being configurable(Para 107).

Re claim 41, note that DeLangis et al. discloses a service filtering means, remotely configurable and associated with a communication device providing said broadband communication service at the distribution unit (Para 107).

Re claim 42, note that DeLangis et al. disclose a service filtering means,

Art Unit: 2467

comprising a Customer's Premises Equipment (CPE) unit for use in said subscriber's premises (Para 49 lines 1-8).

Re claim 43, note that DeLangis et al. disclose a distribution unit, comprising a service filtering means operative to derive, from the technologically advanced broadband communication service reserved for a particular subscriber at the distribution unit, only communication services agreed between said particular subscriber and a service provider (Para 49 lines 1-8).

8. Claims 32, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutillo et al. (US 2006/0228113 A1) in view of DeLangis et al. (US 2005/0078690 A1) and Daniels et al. (US 2003/0012227 A1) as applied to claim 30, in further view of Czerwiec et al. (5,903,372).

Re claim 32, Cutillo et al. in view of DeLangis et al. and Daniels et al. discloses the claimed invention as set forth in claim 30. Cutillo in view of DeLangis et al. and Daniels et al. does not explicitly disclose a method, wherein said preventing is performed by remotely configuring the communication device located at the distribution unit and associated with said particular subscriber, where the configuration is carried out from a Local Exchange connected to the distribution unit. However Czerwiec et al. disclose a method, wherein said preventing is performed by remotely configuring the communication device located at the distribution unit and associated with said particular subscriber, where the configuration is carried out from a Local Exchange (Col 4 line 25-30 remote terminal) connected to the distribution

Art Unit: 2467

unit (Col1 lines 10-18, Col 3 lines 11-13 and Col 4 lines 51-59). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the method of remote addition of video services to a telephony customer of Czerwiec et al. method of having a distribution unit that could serve a default DSL and more advanced DSL line from the same box to different subscribers or Cutillo et al. in view of DeLangis et al. and Daniels et al. in order to manage and control optical networks and specifically to manage and control of passive optical network operative providing digital subscriber line service.

Re claim 34, note that Czerwiec et al. discloses a method, further comprising a step of reconfiguring (remotely provided with video services at a later date) according to an updated subscriber's agreement with the service provider (Col 3 lines 11-13 and Col 6 lines 7-12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY CATTUNGAL whose telephone number is (571)270-7525. The examiner can normally be reached on Monday- Friday 7:30 - 5:00, Alternating Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan A. Phillips can be reached on 571-272-3940. The fax phone

Art Unit: 2467

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2467

/HASSAN PHILLIPS/
Supervisory Patent Examiner, Art Unit 2467